

REMARKS

Overview

Claims 1-21 are pending in this application. Claims 1, 7, and 16 have been amended. Claims 20 and 21 are new. Claim 19 has been cancelled. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Rejections

Claims 1-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fried in view of Lopez. Applicant respectfully traverses this rejection, and requests reconsideration of the claims, as amended.

Claim 1 requires a first pump mounted on the pump plate and a second pump mounted on the pump plate. Thus, the pump plate mounts both the first and second pumps. Claim 1 has also been amended to provide that the single drive gear of the motor alternately engages the gears of the first and second pumps when the pump plate is in the first and second positions, respectively. The Fried and Lopez patents do not meet these limitations, alone or in combination.

In Fried, first and second pumps are mounted on first and second pump plates, and not on the same pump plate as required by claim 1. The motor of Fried also does not alternately engage the first and second pumps when one pump plate is moved. Moving the plates of the first pump has no effect on the motor engagement with the second pump of Fried.

Lopez does not overcome the deficiencies of Fried. While Lopez has a U-shaped plate supporting pairs of arbors 18, 20, it is unclear how the Lopez plate 14 would be used on the Fried base plate, since the entire arrangement of the motor and pump gears in Fried is substantially

different from the arrangement of the gears in Lopez. In particular, in Fried, the motor and pump gears have parallel axes of rotation, whereas the arbored gears and motor gears of Lopez have perpendicular axes of rotation. Furthermore, in Fried, the pumps are rotated 180 degrees end to end for engagement with either motor gear 33 or motor gear 34, whereas in Lopez, the plate 14 is merely rotated about the vertical axis of the motor gear 46 so that one of the gears of the oppositely extending arbors engage the motor gear 46. Thirdly, in Fried, the pumps are stacked sequentially side by side on the base, as seen in Figures 1 and 2. In comparison, in Lopez, each pair of arbors 18, 20 extends in opposite directions from the plate 14.

Thus, the structures and functions of the Fried and Lopez devices are completely different from one another. There simply is no way to modify Fried to utilize the Lopez single drive gear, as suggested by the Examiner. The Examiner has provided no evidence that a person having ordinary skill in the art would combine the Fried and Lopez teachings. The Examiner provides unsupported conclusory speculation that such a modification of the Fried pump assembly using the Lopez drive assembly is somehow more economical and provides easier work on the inactive or disengaged pump. To the contrary, as the Supreme Court warned in *KSR*, there must be some rational underpinning to combine prior art patents. *KSR*, 127 S.Ct. 1727, 1741 (2007). It is insufficient to merely cite various components from different prior art references. *KSR*, 127 S.Ct. at 1741.

Accordingly, the Examiner fails to make a *prima facie* case of obviousness with respect to claim 1, such that the rejection should be withdrawn. Claim 1 distinguishes over the references so as to be allowable, along with depending claims 2-6 and 20.

New claim 20 provides that the motor gear and pump gears have parallel axes of rotation. While the Fried motor and pumps have gears with parallel axes of rotation, when modified by

Fried, as suggested by the Examiner, the motor gear axis would be perpendicular to the pump gear axes, as taught by Lopez. Therefore, claim 20 further distinguishes over the cited references so as to be allowable.

Independent claim 7 requires the step of mounting the first and second pumps to a common pump plate for simultaneous support by the plate. Fried does not meet this limitation, since each pump is mounted on its own separate pair of plates 40, 41. Lopez also fails to meet this definition, since the U-shaped structure 14 is not a plate, but rather a pair of spaced apart plates having upstanding legs interconnected by the lower web. Each plate 16 of Lopez supports a separate pair of arbors 18, 20, as best seen in Figure 2 of Lopez.

Claim 7 further provides for the step of sliding the pump plate laterally in a first direction to a first position whereby the first pump is engaged with drive gear, and sliding the pump plate laterally in a second direction opposite the first direction to a second position whereby the second pump is engaged by the drive gear on the base plate. Neither Fried nor Lopez meets this limitation. In Fried, the pump plates are picked up and turned 180 degrees to change the orientation of the pump, as described at column 6, lines 27-39. In Lopez, the U-shaped arbor support is rotated 180 degrees about the vertical axis of the motor drive shaft 38. Thus, neither Fried nor Lopez slides the pump plate laterally in opposite first and second directions to engage the first and second pumps with the drive gear, respectively.

Therefore, claim 7, along with depending claims 8-11, distinguishes over the cited references so as to be allowable.

Independent claim 12 has been amended to require a pump plate for simultaneously supporting both of the pumps. As described with respect to claim 7, neither Fried nor Lopez

meets this limitation, since Fried utilizes separate support plates for each pump, and Lopez utilizes spaced apart plates 16 for each pair of arbors 18, 20.

Claim 12 has been further amended to require that the pump plate is slidably positioned for movement in opposite first and second lateral directions. Neither Fried nor Lopez meets this limitation. As discussed above with respect to claim 7, the support plates of Fried do not slide in opposite lateral directions, but rather are rotated 180 degrees. Similarly, the plates 16 of Lopez are rotated 180 degrees about the axis of the motor shaft 38.

Accordingly, claim 12 and depending claims 13-15 distinguish over the cited references, alone or in combination, so as to be allowable.

Independent claim 16 has been amended to require that the base plate and pump plate are parallel to one another. Claim 16 further requires that the motor drive gear and the first and second pump gears all have parallel axes of rotation. As cited by the Examiner, the base plate 11 of Fried extends horizontally, whereas the plates 40, 41 of each pump extend vertically. In Lopez, the base plate which supports the motor extends horizontally, whereas the plates 16 supporting the respective pairs of arbors 18, 20 extend vertically. Also, as discussed above, the axes of the arbor gears are perpendicular to the axis of the motor gear in Lopez.

Therefore, claim 16 and depending claims 17, 18 and 21 distinguish over the cited references so as to be allowable.

Claim 21 further distinguishes over Fried and Lopez by requiring the base plate and pump plate to have mating inner surfaces, and opposite parallel outer surfaces from which the motor and pumps extend in opposite directions. Neither Fried nor Lopez satisfy these limitations, such that claim 21 is allowable.

Lopez is Not Analogous Art

In Applicant's previously amendment, it was argued that Lopez failed both the first and second tests for analogous art. In the Office Action, the Examiner appears to agree that Lopez is not in the same field of endeavor as Applicant's invention, such that the first prong of the analogous art is not met by Lopez. However, the Examiner asserts that the second prong is satisfied, since Lopez is reasonably pertinent to the problem of the present application, namely, "coupling multiple pumps to a single motor". However, this conclusion is erroneous. Lopez has no discussion of any pumps, but rather merely provide arbors 18, 20 which are alternately coupled to the motor drive gear 46. Furthermore, the problem addressed by Applicant is elimination of multiple and/or duplicate components in the spray coating industry, which is expensive and utilizes valuable floor space in the coating room, as described in the Background of the Invention. The Lopez patent does not have a BACKGROUND or a discussion of the problems in the prior art. The Examiner's stated problem of "coupling multiple pumps to a single motor" was not the problem addressed by the Applicant, but rather is the solution to the problem of the prior art. Since the Examiner misstates or mischaracterizes the problem, the conclusion that Lopez is reasonably pertinent to the problem is erroneous. Thus, the Examiner's conclusion that Lopez satisfies the second prong of the analogous art test is also erroneous. Since Lopez fails both the first and second prongs of the analogous art test, Lopez must be withdrawn as a reference for the § 103 obviousness rejection.

Conclusion

In view of the foregoing, Applicant respectfully requests that a Notice of Allowance be issued.

Please consider this a Request for a One-Month Extension of Time from March 11, 2008 to April 11, 2008 and charge Deposit Account No. 26-0084 the amount of \$60.00 for this extension. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



KIRK M. HARTUNG, Reg. No. 31,021
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338

CUSTOMER NO: 22885
Attorneys of Record

- bjh -